



City of Chicopee, Massachusetts

License Commission

Donald Goulette, Chairman
Robert Borowiec
James Grise
Donald Derosia
Daniel Taney

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Minutes for August 16, 2012

In attendance: Chairman Goulette, Commissioners Borowiec, Grise, Derosia and Taney. Also Atty. Rooke was in attendance.

Minutes for July are presented to the Board. Commissioner Borowiec makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

Hearing for Rivoli, 115 Springfield St – In attendance: Konrad Wargulewski. Mr. Wargulewski informs the Board that he has decided to include the store front closest to the theater in the license. The Alteration of Premises paperwork has been submitted. Atty. Rooke advises the Board that he has spoken to Atty. Caruso and the required paperwork has been submitted for an Alteration of Premises. He suggests that the Board table this matter to let the application proceed to the required departments. Commissioner Derosia makes a motion to table this hearing until November. The business must be approved and open by the November meeting. Commissioner Taney seconds. Motion approved 5-0. Mr. Wargulewski is cautioned that if this is not approved by the ABCC and open, the license could be cancelled.

Hearing for Hanks Variety, 457 Granby Rd. There was no one in attendance for this meeting. Chairman Goulette informs the Board that information has been received that this business has new owners. The violations are as follows: *Count 1- M.G. L. Chapter 138 Section 15A. All applications for an original license under sections twelve and fifteen shall be made on a form or forms to be prescribed by the commission and shall include a sworn statement by the applicant giving the names and addresses of all persons who have a direct or indirect beneficial interest in said license. No stock in a corporation holding a license to sell alcoholic beverages shall be transferred, pledged, or issued without first obtaining the permission of the local licensing authorities and the commission. Count 2 - Chicopee Rules and Regulations 1.06 Business Arrangements of Licensees (c.) No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the persons properly approved of by the Chicopee License Commission and the salaried employees of such persons. (d.) No licensee shall permit any person to work at the licensed premises or to hold themselves out as a person in a position of at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. No licensee shall pay an employee any percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate except upon approval of the Chicopee License Commission.* At this time there has not been any paperwork filed with the city as required. Atty. Rooke informs the Board that on May 23, 2012 the new owners have submitted an application to the Health Department for tobacco and food service licenses. This application lists the new name and the new owners of the business. He suggests that a Cease and Desist letter be served immediately. Commissioner Grise makes a motion that the business Cease and Desist from selling alcohol until such a time as a transfer is approved by the local licensing authorities and by the Alcoholic Beverages Control Commission and that the license be suspended immediately until the transfer is approved and the 2012 Personal Property taxes are paid. Commissioner Derosia seconds. Motion approved 5-0. The Cease and Desist is to be served immediately by the Chicopee Police Department.

Application for a New Wine/Malt Package Store for Pride Convenience, Inc, 167 Chicopee St with Bernadette Bain as manager. In attendance: Atty. Tom Murphy, Robert Bolduc, Athene Zaleski and Bernadette Bain. Councilors Moreau, Vieau, Brunetti and Laflamme are also in attendance. Atty.

Murphy presents the Board with plans that have been modified. Some of the changes include a separate entrance for the package store area and will include adding windows to the front and side of building. It will also have half walls with glass block on top to separate the area from the convenience store. It will have a corner entrance to direct traffic away from the convenience store. The parking lot will be modified. The parking lot will be restriped to include specific zones of no parking. The view will include a better visual from inside the convenience store. There will be a traffic flow to direct the traffic around the building. This was to accommodate the concerns of the Fire Department. The Planning Department has given their approval. One of the things they looked at was the proximity to other facilities such as package stores, schools, churches and parks. The property is zoned business as are the adjacent properties. A major component for this Board is the need for this license. Atty. Murphy shows the Board a map of the existing package stores in the city. There is nothing within a 1 -2 miles. Pride has been at this location for 27 years and has 5 employees. They have been a good neighbor and been very supportive of the city. Atty. Murphy has reviewed the minutes from the last hearing. At the last hearing there wasn't any opposition from city councilors. They were concerns from the neighbors about children in the area, they are not aware of children in the area. It is a smaller operation than a full alcohol package store. It is designed to accommodate the existing customers. This is only a beer/wine package store license. Ms. Bain is experienced in the sale of alcohol and is TIPs certified. Commissioner Borowiec states that the map does not show any variety stores. That is where kids in the area will go for candy and such. It is a concern for him. Atty. Murphy is not aware of any incidents or accidents in the area. Mr. Bolduc agrees that these are legitimate concerns. At this store they do not have a lot of kids coming in the store. He is at the store frequently. Because this will be a separate facility, kids will not be allowed and are not of a concern. Commissioner Borowiec is concerned about the parking lot and traffic entering and exiting. Mr. Bolduc agrees that is a concern as it was for the Fire Chief. That is why they have shifted the parking and the entrance to the side. All the traffic is directed to that side of the building away from the fueling facility. There will be an exit around the back of the building. Commissioner Grise inquires as to how many employees will be working at the store on a regular basis. There will be 3 employees in the package store - a manager, cashier and a stocker. There are 1-2 people in Subway, in the convenience there are - 1 manager and 2 cashiers. The employees park in the front area of parking lot. Mr. Bolduc replies that there is plenty of parking, it is a big lot, and it is designed properly. Chairman Goulette state that there are 8 employees and 1 handicapped spot, that only leaves 3 spots. The employees will be told to park across the front once the license is approved. Commissioner Taney inquires about the exit around the back of the building. Mr. Bolduc responds that the Fire Chief recommends this and this was just striped recently and has always been available but was not used much. Once the license is approved better signage will be in place directing traffic around the building and not exiting from the entrance. He feels there is plenty of parking and it will not be an issue. Deliveries are not allowed in the front of the door. They use the middle of the lot so not to block traffic. Commissioner Taney frequents the store and has concerns about the parking. The employees will be directed as to the new parking requirements. Chairman Goulette has concerns about customers parking at the pumps and then entering the store to shop, it happens frequently, not just at this store but all convenience stores. Mr. Bolduc informs the Board that this happens at all the stores. The EPA is relaxing their standards and there are no emissions from fueling. Commissioner Derosia raises his concerns about the parking lot. He has seen all types of parking in the lot, not in just the designated spots. He feels there is a parking and flow issue there with another business being brought in. Mr. Bolduc has not seen the type of parking he is talking about, the Fire Department has required the parking are be changed which they will do. Atty. Murphy states that they are anticipating installing a berm across the front to control the parking situation. Employees have not been instructed to park in specific areas as of yet. This is only going to be a beer/wine package store. Commissioner Taney reviews the parking plan. Commissioner Derosia questions the delivery vehicles and the location of the air pump. Atty. Murphy suggests that if the license is allowed then they will have specific parking plans in place which could include moving the air pump and other things. Councilor Laflamme has a few questions and voices his concerns. One of them is the parking lot where the employee parking is. He asks about the fuel trucks and parking. Mr. Bolduc states that this can be done overnight if needed. They can remove or relocate the air and vacuum pumps. They can also extend the parking area if need be. Councilor Laflamme brings to the Commission some issues with Pride at the Montgomery St location. Also he has visited the Chicopee St location just that day and seen several kids entering the store. They have requested Mr. Bolduc to make improvements at the Montgomery St store and they

have not been made as of yet. He feels these issues are public safety issues. He doesn't feel they are a good neighbor as they have stated. Councilor Brunetti states that the councilors have had occasion to speak to Mr. Bolduc concerning the Montgomery St location. Cars are parked everywhere. The Fire Department has several issues with the location. Exiting this location is dangerous. Mr. Bolduc has promised to restripe the lot and has not done this as he has stated. Also they have asked to have stanchions or pillars in front of the store to ensure the safety of the public and his employees. Councilor Moreau states that he takes exception to the statement that children are not in the area and use that store. There are many kids going into that store from the surrounding neighborhood. There are several school bus stops in that area. There have been several accidents in that area. There are traffic issues in the area. He lives in the area and there are a good number of kids in the area. With the bridge being closed it has increased the traffic. Also there are other package stores in the areas. Councilor Vieau represents this neighborhood and he has received several (8) calls from the neighbors opposing this license. There is a park in close proximity and this is a huge concern to the residents. Mr. Boudreau, who is a manager at Calloway's, has several employees who have expressed concern. Their main concern is the children and the playing fields and the amount of use they generate. The store is in close proximity so kids are going to use that store for water, sports drinks, etc. Also as a runner he does run in the area frequently and has had several near misses with cars in the parking lot. He has learned not to cross the lot because people do not look when entering or exiting parking spaces. This is a very congested area. He feels there is no real community need for this license at this location. He resubmits the petition signed by neighbors in the area. Mr. Kendra, a teacher from Chicopee, does not feel this is an appropriate location for the license. Especially with a gas station involved. There is close proximity to a school and to parks. He is against any convenience store with a gas station holding a liquor license. He was at the meeting years ago when there was one approved and he was against it then and still is. Mr. McClure is opposed to this license because of the congestion. There are several other package stores in the area. He does not see the need for this. He also believes that Massachusetts residents voted against allowing wine in grocery and convenience store. Ms. Fitzgerald is a Chicopee resident, frequents the store often. There are kids there all the time. The parking is a great concern. The delivery trucks do at times park in front of the store taking the available parking. There is only one clerk working the nightshift and she has concerns about this. She feels this is not a safe situation and asks the Board to take all this into consideration. Mr. Sliski has a business in the back of the Pride building. There is a very tight parking lot and the business should not increase. Atty. Murphy has listened to all the concerns and asks for permission to withdraw the application at this time. They will reassess the parking issue and the public safety concerns. They may resubmit with new plans in the future but would like time to analyze the situation. Commissioner Borowiec makes a motion to accept the withdrawal. Commissioner Derosia seconds. Motion approved 5-0

Application for a Special One Day Permit (Beer/Wine) for the Amanda Plasse Benefit to be held at Maximum Capacity, 116 School St on August 26, 2012 from 11:00 AM until 10:00 PM with Don Robert, Jr as applicant (application has not been submitted as of August 16, waiting for department signatures). Mr. Robert, Jr informs the Board that this is a family friendly event and will be held between 2 bars. There will be police department presence as well as security. Fire Chief Stephen Burkott informs the Board that he has not signed the application because the information he has requested has not been submitted. He has serious concerns about public safety and the number of attendees for this event. Parking is a critical issue. There has to be access for emergency vehicles on all public streets. Also in the event of inclement weather, he wants to know where all the expected people are going to go. There has to be personnel stationed at the door for a head count to control the capacity. Also once the event moves inside at 10:00PM, what is going to happen to all the people who are attending? Chairman Goulette agrees that public safety is a priority for this Board also. Commissioner Borowiec makes a motion to deny this application as it is not complete. Commissioner Taney seconds. Motion approved 5-0.

Application for a Special Event Permit for live bands for the Amanda Plasse Benefit to be held at Maximum Capacity, 116 School St on August 26, 2012 from 11:00 AM until 10:00 PM with Don Robert, Jr as applicant. The application is withdrawn per the request of the applicant. Commissioner Derosia makes a motion to accept the withdrawal. Commissioner Taney seconds. Motion approved

5-0.

Application for a Special Event for a 18+ College Night to be held at Maximum Capacity, 116 School St on September 27, October 4, 11, and 18 ,2012 with Donald Robert, Jr as applicant. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 5-0.

Application for a Special Event for a 18+ Electro Night to be held at Maximum Capacity, 116 School St on September 14,2012 with Donald Robert, Jr as applicant. Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

Application for a Common Victualer for Iris Market, 720 Chicopee St with Agustin Ramos as manager (new) Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 5-0.

Application for a Common Victualer for 7-11, 1206 Granby Rd St with Nancy Connors manager (new owner) Commissioner Derosia makes a motion to approve. Commissioner Borowiec seconds. Motion approved 5-0.

Application for a Special One Day Permit (Beer/Wine) for the Chicopee Rotary Club for the Annual Classic Car Show to be held at 650 Memorial Dr (Big Y parking lot) on September 16, 2012 from 9:00 until 3:00 PM with Donald Roy as applicant (area will be contained and monitored) Commissioner Borowiec makes a motion to approve. Commissioner Derosia seconds. Motion approved 5-0.

Application for a Special One-Day Permit(All Alcohol) for Tiger's, 14 Montgomery St for a Clambake to be held on September 15, 2012 from 11:00 AM until 8:00 PM with Mike Hurley as applicant(area will be contained and monitored) Commissioner Grise makes a motion to approve. Commissioner Borowiec seconds. Motion approved 5-0.

Application for a Special One-Day Permit (Beer/Wine) for Aramark @ Elms, 291 Springfield St for a MBA Reception to be held on September 6, 2012 from 4:00 PM until 8:00 PM with Jeff LeBlanc as applicant. Commissioner Derosia makes a motion to approve. Commissioner Taney seconds. Motion approved 5-0.

Application for a Special One-Day Permit (Beer/Wine) for Aramark @ Elms, 291 Springfield St for a Home Coming Reception to be held on September 29, 2012 from 11:00AM until 4:00 PM with Jeff LeBlanc as applicant. Commisioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 5-0.

Update: Collegian Court transfer papers have been submitted. More information is required and will be submitted soon.

B Bar, 16 Bolduc Ln is undergoing extensive renovations and will be filing appropriate paperwork soon.

Atlas Pub, 299 Carew St- police report attached. Commissioners would like to schedule a hearing for this matter.

Munich Haus- final plans for Beer Garden have been submitted

Filing Fees are read by Commissioner Grise.